

STATE OF INDIANA)
) SS:
ELKHART COUNTY)

IN THE ELKHART ~~CIRCUIT~~ SUPERIOR COURT

FILED
12 APR 24 PM 3:45
ELKHART SUPERIOR COURT

LEANN ANDERT,

Plaintiff,

v.

GOSHEN HEALTH SYSTEM, INC.

Defendant.

CAUSE NO. 20001-1204-CC-488

JURY DEMAND

COMPLAINT AT LAW

Plaintiff, LeAnn Andert, by and through her counsel, Doug A. Bernacchi, brings suit against the Defendant, Goshen Health System, Inc. and in support thereof states as follows:

PARTIES

1. Plaintiff, LeAnn Andert, is a citizen of Indiana who at all times relevant to this case resided in Walkerton, Indiana.
2. Defendant, Goshen Health System, Inc. is located in Elkhart County and at all times relevant to this matter conducts business in Indiana.

RELEVANT FACTS

3. The Plaintiff begin working as a surgical technologist on December 1, 2008.
4. During the time the Plaintiff was employed she was diagnosed with a sleeping disorder.
5. Due to the Plaintiff being on call and having been diagnosed with a sleeping disorder, she asked Mr. James O. Dague, the President and CEO about accommodations for the employees to sleep.

6. Mr. James O. Dague, the President and CEO told the Plaintiff that he was working on it.
7. Soon after the Plaintiff's request, she was harassed at work, endured a hostile work environment including being given a drop and receive unfounded write ups.
8. The Plaintiff was being retaliated against by her employer because of her disability.
9. Defendant terminated her and opposed her receiving unemployment benefits, but after a hearing she was awarded benefits

COUNT I- VIOLATION OF AMERICANS WITH DISABILITY ACT
42 U.S.C. § 12181 et. seq., ("ADA")

10. The Plaintiff repeats and re alleges paragraphs 1 through 9 as though fully set forth herein.
11. After the Plaintiff, who is a qualified individual with disabilities, made her request to Mr. James O. Dague, the President and CEO, she was given a drop and she started to receive unfounded write ups.
12. The Plaintiff was terminated December 10, 2010, two months after her request for accommodations due to her disability and sleeping disorder to Mr. James O. Dague, the President and CEO. The Plaintiff is a qualified individual with a disability who could have performed the essential functions of the job with reasonable accommodation.

WHEREFORE, the Plaintiff ask this Court to enter an order:

Awarding actual and punitive damages in an amount to be determined at trial;
Awarding recoverable costs and attorney fees;

Awarding such other relief as is equitable and just;

Such other and further relief as the Court may deem appropriate.

**COUNT II- WRONGFUL TERMINATION
IN VIOLATION OF INDIANA COMMON LAW**

13. The Plaintiff repeats and re alleges paragraphs 1 through 12 as though fully set forth herein.
14. After the Plaintiff's request to Mr. James O. Dague, the President and CEO, she was harassed, forced to endure a hostile workplace, given a drop and she started to receive write ups.
15. The Plaintiff was retaliated against by her employer due to her disorder and disability and terminated for exercising a statutory right as the ADA is a civil rights statute and the express purpose of the Act is the elimination of discrimination against individuals with disabilities. 42 U.S.C. § 12101(b).

WHEREFORE, the Plaintiff ask this Court to enter an order:

Awarding actual and punitive damages in an amount to be determined at trial;

Awarding recoverable costs and attorney fees;

Awarding such other relief as is equitable and just, and

Such other and further relief as the Court may deem appropriate.

COUNT III – RETALIATORY DISCHARGE

16. The Plaintiff repeats and re alleges paragraphs 1 through 15 as though fully set forth herein.
17. After the Plaintiff's request to Mr. James O. Dague, the President and CEO, she was given a drop and she started to receive write ups.
18. The Defendant retaliated against Plaintiff when she requested accommodations for her disability and sleeping disorder.
19. The Plaintiff was terminated December 10, 2010, two months after her request for accommodations due to her disability and sleeping disorder to Mr. James O. Dague, the President and CEO.

WHEREFORE, the Plaintiff ask this Court to enter an order:

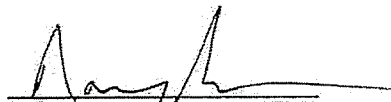
Awarding actual and punitive damages in an amount to be determined at trial;

Awarding recoverable costs and attorney fees;

Awarding such other relief as is equitable and just;

Such other and further relief as the Court may deem appropriate.

Respectfully submitted:



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JURY DEMAND

Plaintiff requests trial by jury.